

FILED

February 10 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 09-0661

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FILED

FEB 10 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

ORDER

STATE OF MONTANA,

Plaintiff and Appellee,

v.

SAMUEL AARON BELANGER,

Defendant and Appellant.

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Appellant Samuel Aaron Belanger (Belanger) filed a Motion for Appointment of Counsel with the Twentieth Judicial District Court, Sanders County. The District Court noted on the Motion on December 15, 2009, "Granted if appropriate—Please forward to the OPD for their review as to appoint counsel." The Office of Appellate Defender (OAD) filed a January 12, 2010 Notice Regarding District Court's Appointment of Appellate Defender Office and Request for Clarification. Therein, the OAD observed that it was unclear whether Belanger desired representation by the OAD, and Belanger had not filed a motion requesting this Court to appoint counsel. The OAD noted that the order from which Belanger is appealing resulted from a self-represented motion Belanger filed with the District Court. The OAD stated its willingness to represent Belanger upon review of Belanger's indigence status and an Order from this Court.

Belanger filed a February 2, 2010 Motion for Appointment of Counsel and Motion for Extension of Time in which he requested the appointment of appellate counsel, and asked for an extension of time until March 30, 2010 within which to prepare and serve an opening brief.

IT IS ORDERED:

1. The Motion for Appointment of Counsel is GRANTED. The Office of Appellate Defender shall have 10 days from the date of this Order within which to file either a Notice of Appearance or a motion to rescind this Order appointing counsel. In the event that Appellant Belanger qualifies for appointed counsel, the Office of Appellate Defender shall immediately order the appropriate transcripts.
2. The Office of Appellate Defender shall have 60 days from the date of this Order to file an opening brief on appeal.

The Clerk of the Supreme Court is directed to provide a copy of this Order to the Appellant, to the Office of Appellate Defender, and the Attorney General's Office.

DATED this 10<sup>th</sup> day of February, 2010.

For the Court,

  
Chief Justice